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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,605	04/16/2001	Peter L. Ciampi	10371/8	3056
9629	7590	07/15/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			FELTEN, DANIEL S	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/835,605	CIAMPI ET AL	
	Examiner	Art Unit	
	Daniel S. Felten	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's response to the Office Action dated March 28, 2005 is acknowledged. Claims 1-56 were cancelled and new claims 57-70 were presented in response the Office Action mailed December 15, 2004 and were concurrently presented for consideration in applicant's Response filed April 07, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 57-70 rejected under 35 U.S.C. 102(e) as being anticipated by Thomas et al (US 6,832,211)

Thomas discloses a computerized method for determining a first value of a first asset by

Electronically receiving historical data regarding said first asst, wherein said historical data comprises data for a purality of variables (*indicators*) related to said first asset; and

Electronically performing a multivariate regression analysis on said historical data;

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Electronically calculating a fair value (*market-to-book*) of said first asset based on said multivariate regression analysis and on values of at least two of said plurality of variables (see fig. 1, col. 2, ll. 44 to col. 3, ll. 10; and col. 3, ll. 40+; and fig. 2, col. 5, ll. 19 to col. 6, ll. 10),

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 58-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (US 6,832,211)

Re claim 58, said first asset is assigned to a portfolio of assets, a second asset is assigned to a portfolio of assets, and said second asset is currently traded liquid market further comprising assigning a fair value to said second asset based on a recent trading price of second asset (see col. 8, ll. 35-48)

Re claim 59, said multivariate regression analysis comprises an in-sample step-wise regression

Re claim 60 and 62, said step of electronically calculating fair value comprises calculating a function of recent closing price of said first asset and recent depository receipt price for said first asset (see *MTB ratio*, col. 5, ll. 19-37).

Re claims 61 and 63, said function comprises division (see *MTB ratio*, col. 5, ll. 19-37),

Re claim 64, said step of electronically calculating a fair value comprises calculating a rate of change of a futures index price (see *current Impact index*, col. 4, ll. 23+);

Re claim 65, wherein step of electronically calculating a rate of a sector index price (see *current Impact index*, col. 4, ll. 23+),

Re claim 66, said step of electronically calculating a fair value comprises selecting a subset of two or more variables from said plurality of variables, wherein said two or more variables have recently proven reliable in predicting an opening price for said first asset (see col. 9, ll. 41-67)

Re claim 69, further comprising electronically receiving a request for a fair price for said first asset (see col. 9, ll. 41-67)

Re claim 70, wherein said historical data comprising data regarding a local opening price for said first (see col. 9, ll. 41-67)

Thomas fails to disclose, as in claims 67 and 68, said historical data comprises data regarding at least one currency exchange rate. However, since Thomas contemplates traditionally used indicators (see col. 8, ll. 50-53). It would have been obvious for an artisan of ordinary skill

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in the art at the time of the invention to have used a currency exchange rate when valuating stock from foreign companies that have US patents because such an artisan at the time of the invention would have sought to normalize the valuation of stock based upon a commonly or widely used currency (i.e., the US dollar). Thus to provide the exchange rate for a particular currency would allow a user to evaluate and compare the value of one company's stock to another. Thus to include an exchange rate, as part of a traditionally used indicator, would constitute an obvious expedient well within the ordinary skill in the art.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel S Felten
Examiner
Art Unit 3624

DSF
July 07, 2005



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